



Our Ref. No.: 012302.P021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Patrice Brachat

Serial No. 10/044,483

Filed: January 11, 2002

For: **ELECTROMAGNETIC PROBE**

Examiner: Paresh H. Patel

Art Group: 2829

Mailstop – PETITION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

PETITION TO REVIVE PURSUANT TO 37 CFR § 1.137(a)

Applicant hereby petitions to revive the above-identified application on the grounds that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unavoidable.

In particular, on September 12, 2005, Applicant's attorney of record received, a corrected Notice of Allowability, which was mailed September 6, 2005.

Inasmuch as Applicant had not previously received a Notice of Allowance or Notice of Allowability, the undersigned checked the status of the application using the PAIR system. As a result of this check, which took place September 14, 2005, it was determined that a Notice of Allowance was mailed to Suite 700, 25 Metro Drive, San Jose, CA 95110. Applicant notes that the Notice of Allowance was mailed November 10, 2004 to the incorrect address and not the address of the attorneys of record. As a result of such mailing to the incorrect address, neither Applicant, nor Applicant's attorneys, received the Notice of Allowance.

Accordingly, Applicant submits that it has been demonstrated that the entire delay in filing the required reply, that is, payment of the issue fee, from the due date for the reply until the filing of this Petition was unavoidable.

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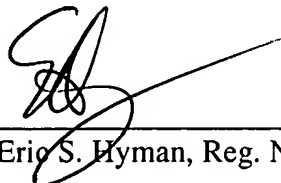
Submitted herewith is the Petition fee, as set forth in 37 CFR § 1.17(1). Also submitted herewith is the Form PTO L-85 and the issue fee.

Inasmuch as this Petition, and the Petition fee, are required solely due to Patent and Trademark Office error, request for a refund of the Petition fee is hereby requested.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

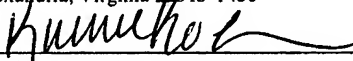
Dated: 10/17, 2005

By: 
Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450


Kumiko Alexander

10/19/05
Date